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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOSE RODRIGUEZ,

11 Plaintiff,

No. CIV S-11-1391 DAD P

12 vs.

13 DERICK, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant  
17 to 42 U.S.C. § 1983. Plaintiff has neither paid the filing fee nor filed an application to proceed in  
18 forma pauperis pursuant to 28 U.S.C. § 1915.

19 The federal venue statute requires that a civil action, other than one based on  
20 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all  
21 defendants reside in the same State, (2) a judicial district in which a substantial part of the events  
22 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject  
23 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is  
24 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

25 In this case, none of the defendants reside in this district. The claim arose in Los  
26 Angeles County, which is located within in the Central District of California. Therefore,

1 plaintiff's claim should have been filed in the United States District Court for the Central District  
2 of California. In the interest of justice, a federal court may transfer a complaint filed in the  
3 wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918,  
4 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the  
6 United States District Court for the Central District of California.

7 DATED: June 14, 2011.

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11 DALE A. DROZD  
12 UNITED STATES MAGISTRATE JUDGE

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